



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
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NEW YORK, NY 10007-1866

JUL - 1 2014

Carol E. Dinkins, Esq.  
Vinson & Elkins  
1001 Fannin Street, Suite 2500  
Houston, Texas 77002-6760

Dear Ms. Dinkins:

This letter is in response to your March 20, March 31, May 15 and June 6, 2014 letters to James Woolford and Robin Richardson, Director and Acting Director, respectively, of the Office of Superfund Remediation and Technology Innovation (OSRTI), and your June 6, 2014 letter to me proposing additional work in the Lower Passaic River or Newark Bay. Mr. Woolford and Ms. Richardson asked that I respond to you on their behalf.

The March 20, March 31 and June 6, 2014 letters to OSRTI convey a proposal from Occidental Chemical Corporation, Maxus Energy Corporation and Tierra Solutions, Inc. to conduct additional fish and crab tissue sampling in the Lower Passaic River. As you know, the United States Environmental Protection Agency (EPA) recently issued a Proposed Plan for the lower eight miles of the Lower Passaic River. As we explained during our May 29, 2014 meeting, the EPA is satisfied with the scope and quality of the fish tissue data used to propose that remedy. That said, should additional fish tissue data be collected and submitted to the Agency we would consider that information going forward. To the extent that the additional fish and crab tissue sampling is conducted in the Lower Passaic River, those data should be collected as a part of, or in cooperation with the Cooperating Parties Group's 17-Mile remedial investigation and feasibility study (RI/FS). In addition, EPA is currently accepting public comments and we will consider your proposal and respond to it in the Responsiveness Summary section of the Record of Decision.

The May 15, 2014 letter conveys a conceptual bioremediation approach for the Lower Passaic River, submitted on behalf of your clients Occidental Chemical Corporation, Maxus Energy Corporation and Tierra Solutions, Inc. In a meeting between EPA and various representatives of your clients on May 29, 2014, you indicated that your clients would submit a work plan for the proposal in June 2014. Your June 6, 2014 letter to me follows up on the May 29, 2014 meeting, noting your clients' intention to submit the work plan by the end of June 2014 and suggesting that the bioremediation pilot study could be performed pursuant to an amendment to the Newark Bay Study Area RI/FS Administrative Order on Consent, CERCLA 02-2004-2010.

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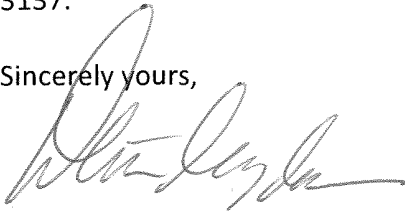
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As you note in your June 6, 2014 letter, EPA has agreed to review the bioremediation pilot study work plan; further we may be interested in your suggested approach of performing this work as part of the Newark Bay RI/FS that your clients are conducting under EPA oversight. When we receive the work plan, we will contact you to discuss next steps.

As a separate matter, if your clients believe that this approach is applicable to the sediments of the lower eight miles of the Lower Passaic River, you may wish to submit it as a comment on the Proposed Plan.

If you have any questions, please contact Patricia Hick, Assistant Regional Counsel at 212-637-3137.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Walter Mugdan', written over the closing 'Sincerely yours,'.

Walter Mugdan, Director  
Emergency and Remedial Response Division